

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PETER PEDERSEN,

Plaintiff,

v.

ZOHO CORPORATION,

Defendant.

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Civil Action No. 6:22-cv-00408-ADA

REPLY TO PLAINTIFF’S RESPONSE TO NOTICE OF NON-OPPOSITION (D.I. 19)

Defendant Zoho Corporation (“Zoho”) submits this Reply to respond to Plaintiff Pedersen’s January 18, 2023 Response to Zoho’s Notice of Non-Opposition. *See* D.I. 19 (“Response”).¹

In his Response, Pedersen erroneously states that filing a Notice of Venue Discovery “reset the date of [his] response to Zoho’s Motion to January 5, 2023.” *See* Response at 1. Pedersen misapprehends the Court’s procedures. The OGP clearly states that the response to a transfer motion is “due 14 days after the completion of venue or jurisdictional discovery, *if such discovery is conducted*; otherwise, 14 days after the Opening Brief.” OGP 4.2 § VI (emphasis added). Pedersen did not conduct any discovery, so his response was due on November 3, 2022 (14 days after Zoho’s Opening Brief). *See* D.I. 14 (Opening Brief filed on October 20, 2022). Plaintiff’s response to the transfer motion instead was filed on January 6, 2023, over two months after the deadline. D.I. 16.

¹ Plaintiff appears to have filed the same document as both D.I. 18 and D.I. 19.

Indeed, Pedersen's representation in the Notice of Venue Discovery that he "will conduct venue discovery" appears to be an inaccurate representation to the Court that has not been corrected. *See* D.I. 15 at 1.

Pedersen also incorrectly claims that Zoho "rejected" a one-day extension request. *See* Response at 1. Zoho did not reject any such extension request. Instead, Plaintiff's counsel contacted Zoho's counsel after filing the response on January 6, 2023, explaining that he intended to file the response on January 5, but it was instead filed on the morning of January 6. Zoho responded that Pedersen's response was untimely because it was due on November 3, 2022, and Zoho intended to file a notice of non-opposition on that basis. *See* Exhibit A.

For the above reasons, Zoho respectfully requests that the Court find Pedersen's opposition to Zoho's Motion to Transfer the Case to the Austin Division (D.I. 14) to be untimely and grant the motion as unopposed. *See* Local Rule CV-7(D)(2); D.I. 17 (citing cases).

Dated: January 18, 2023

Respectfully submitted,

By: /s/ Ryan J. Marton
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Attorneys for Defendant Zoho Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing is being served on the counsel of record via the CM/ECF system on January 18, 2023.

Dated: January 18, 2023

/s/ Ryan Marton
Ryan Marton